

To: CN=Peter Silva/OU=DC/O=USEPA/C=US@EPA;CN=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Robert Wood/OU=DC/O=USEPA/C=US@EPA;CN=David Evans/OU=DC/O=USEPA/C=US@EPA;CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Mike Shapiro/OU=DC/O=USEPA/C=US@EPA;CN=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Robert Wood/OU=DC/O=USEPA/C=US@EPA;CN=David Evans/OU=DC/O=USEPA/C=US@EPA;CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Gregory Peck/OU=DC/O=USEPA/C=US@EPA;CN=Robert Wood/OU=DC/O=USEPA/C=US@EPA;CN=David Evans/OU=DC/O=USEPA/C=US@EPA;CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Robert Wood/OU=DC/O=USEPA/C=US@EPA;CN=David Evans/OU=DC/O=USEPA/C=US@EPA;CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=David Evans/OU=DC/O=USEPA/C=US@EPA;CN=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Brian Frazer/OU=DC/O=USEPA/C=US@EPA;CN=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Ann Campbell/OU=DC/O=USEPA/C=US@EPA;CN=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Tanya Code/OU=DC/O=USEPA/C=US@EPA;CN=Steven Neugeboren/OU=DC/O=USEPA/C=US@EPA;CN=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Kevin Minoli/OU=DC/O=USEPA/C=US@EPA;CN=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]; N=Shawna Bergman/OU=DC/O=USEPA/C=US@EPA[]

Cc: []

From: CN=Suzanne Schwartz/OU=DC/O=USEPA/C=US

Sent: Tue 8/4/2009 12:47:08 PM

Subject: Fw: Seattle Times/LA Times: Lawsuit seeks to halt huge Alaskan mine

Kim Murphy

Waters flow into Bristol Bay, Alaska, above which the proposed Pebble Mine would sit. The mine would create hundreds of jobs, but conservationists worry it will be allowed to operate before its environmental impact is known.

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(embedded image)
(embedded image)

FYI. **Ex. 5 - Deliberative**

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----- Forwarded by Suzanne Schwartz/DC/USEPA/US on 08/04/2009 08:44 AM -----

From: Marianne Holsman/R10/USEPA/US
To: Mike Bussell/R10/USEPA/US@EPA
Cc: Richard Parkin/R10/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA
Date: 08/03/2009 10:11 PM
Subject: Re: Fw: Seattle Times/LA Times: Lawsuit seeks to halt huge Alaskan mine

Hi Folks:

We also have a pending inquiry from a reporter from the national PBS program, Frontline about Pebble. We have a call set up w/OPA tomorrow to brief them on the project and discuss how to handle the Frontline inquiry.

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Mike Bussell/R10/USEPA/US
08/03/2009 12:15 PM
To Suzanne Schwartz/DC/USEPA/US@EPA
cc Marianne Holsman/R10/USEPA/US@EPA, Richard Parkin/R10/USEPA/US@EPA
Subject Fw: Seattle Times/LA Times: Lawsuit seeks to halt huge Alaskan mine

Suzanne - FYI. This ran on the Seattle Times front page on Saturday.

----- Forwarded by Mike Bussell/R10/USEPA/US on 08/03/2009 12:12 PM -----

Anthony Brown/R10/USEPA/US
08/03/2009 10:39 AM
To Michelle Pirzadeh/R10/USEPA/US@EPA, Bussell.Mike@epa.gov, Psyk.Christine@epa.gov, Combes.Marcia@epa.gov, Greg Kellogg/R10/USEPA/US@EPA, Lidgard.Michael@epa.gov, holsman.marianne@epa.gov
cc
Subject Seattle Times/LA Times: Lawsuit seeks to halt huge Alaskan mine

Originally published Sunday, August 2, 2009 at 12:00 AM

Lawsuit seeks to halt huge Alaskan mine

It has always been a match made in peril: one of the biggest copper and gold mines in the world perched in the watershed above Bristol Bay...

By Kim Murphy
Los Angeles Times

Waters flow into Bristol Bay, Alaska, above which the proposed Pebble Mine would sit. The mine would create hundreds of jobs, but conservationists worry it will be allowed to operate before its environmental impact is known.

It has always been a match made in peril: one of the biggest copper and gold mines in the world perched in the watershed above Bristol Bay, Alaska, the last, best refuge for millions of Pacific wild salmon. The proposed Pebble Mine would dwarf all the others operating in the Alaskan wilderness and generate up to 9 billion tons of ore, most of which would have to be sifted and disposed of near the ponds and streams that feed into Bristol Bay.

It also would generate hundreds of jobs in troubled southwest Alaska, and up to \$300 billion worth of copper and gold.

In an attempt to head off the project before it gets too big to stop, a coalition of Native Alaskan village corporations and others filed suit last week in Anchorage, charging that the state is violating its Constitution by allowing drilling and other exploration to proceed without full environmental review.

The mine would cover 15 square miles, with a 1,600-foot-deep open pit stretching across 2 square miles. Early development proposals have called for holding the hazardous tailings behind massive dams, one 740 feet high, the other 450 feet high. The exact plans won't be known until 2010 or 2011, when Pebble Partnership submits its development permit applications to the state.

Conservationists worry that the millions of dollars spent on exploration while officials conduct public hearings and await the environmental impact statement will give the project political momentum that even Alaska's powerful fishing industry would find hard to fight.

The lawsuit invoked an article of the Alaska Constitution that requires hearings and analyses to determine whether state-owned natural resources are being managed for the common public good.

Specifically, the suit argued that Alaska should conduct studies to determine whether exploration at the mine is affecting other users of public land, water, fish and wildlife.

"This kind of activity is being treated ... as if there's some guy out there with a mule, a pickax and a shovel turning over a little bit of rock and looking for a nugget. But this is in essence industrial-scale activity," Steve Cotton, executive director of the public-interest law firm Trustees for Alaska, said at a news conference in Anchorage.

Representatives of Nunamta Aulukestai, a coalition of eight Native village corporations that filed the lawsuit, said they are already seeing effects of the exploration. Fewer caribou linger in the area, they said in court papers, and waste from exploratory drilling is trickling into streams and ponds.

"What we would like to see right now is for everyone to take a step back and look at all the potential negative impacts associated with a development this large in an area that's incredibly sensitive and extremely important to a lot of people in this state," said Tim Bristol, director of Trout Unlimited in Alaska, which has opposed the mine but is not a plaintiff in the lawsuit.

"You have a giant open pit proposed," Bristol said. "You're going to have billions of tons of waste rock, 100 miles of access road. A deep-water port is going to have to be constructed. There's going to have to be a source of power, incredible amounts of water to charge the system and store the waste. And you have to think about how to treat that waste in perpetuity ... in a region that right now is sort of this wild salmon wilderness."

Trout Unlimited and other conservationists back legislation that would require a separate set of reviews for the Pebble Mine, given its closeness to Bristol Bay, which generates one-third of the state's commercial-fishing revenues. The state Legislature won't have a chance to act on that until it reconvenes in January.

State officials have said plenty of studies would be done once Pebble applies for its development permits. At the moment, they added, exploration is going on at hundreds of mining claims large and small across the state, and Alaska law requires no formal studies or public hearings.

"There are 400 to 500 of these in place, statewide, at any one time," said Tom Crafford, mining coordinator at the Department of Natural Resources. "Absolutely, once a project applies for development permits, then that triggers a whole host of permit requirements, public notice requirements, comment periods, both state and federal."

Pebble Partnership Chief Executive John Shively said there has been full inspection by state and federal agencies, including the state Department of Fish and Game and the federal Environmental Protection Agency. "So it's not like there's no oversight," he told KTUU-TV in Anchorage, "or that the public doesn't have the ability to look at what our program is and to go tell the agencies what they think about it."

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